THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.22545 of 2005

Date: 19-10-2005

Between:

Venati Parandhami Reddy **..Petitioner**

A n d

1. The Election Officer, Tada Primary Agricultural Co-operative Society Limited, Tada, Tada Mandal, Nellore and others

..Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.22545 of 2005

ORAL ORDER:

Order of the Election Officer of the Tada Primary Agricultural Co-operative Society (the Society) rejecting the nomination of the petitioner is questioned in this petition on the ground of not affording an opportunity of being heard, and non-furnishing of the reasons for such rejection.

2. The contention of the learned counsel for petitioner is that since as per the provisions of A.P. Co-operative Societies Act, 1964 (the Act), and the Rules made thereunder, and even as per the principles of natural justice also petitioner is entitled to an opportunity of being heard, and since the election officer also has to pass a reasoned order for rejecting the nomination of the petitioner, order of the election officer rejecting the nomination of the petitioner through a non reasoned order is violative of the provisions of the Act and the Rules made thereunder, and so the election officer may be directed to provide an opportunity of being heard to the petitioner and pass orders afresh.

3. The contention of the learned counsel for third respondent, who filed caveat, is that since third respondent was already declared elected, this petition is not maintainable.

4. Since acceptance and rejection of a nomination is an intermediary stage in an election process, and since this Court would not generally interfere with the election process after it is set in motion, as the aggrieved party has an effective and efficacious remedy of filing a petition before the Election Tribunal, as held by two full benches of this Court in **A.P.SARPANCHAS ASSOCIATION v. GOVT. OF ANDHRA PRADESH** and **G.KANAKA DURGA v. STATE ELECTION COMMISSIONER** and by the apex Court in **C.SUBRAHMANYAM v. K.RAMANJANEYULU** and **SHRI SANT SADGURU JANARDAN SWAMI (MOINGIRI MAHARAJ) SAHAKARI DUGDHA UTPADAK SANSTHA v. STATE OF MAHARASHTRA**, this petition is not maintainable. He is at liberty to file a petition before the Tribunal questioning the result of the election including the rejection of his nomination.

5. Hence, the writ petition is dismissed without costs. Since the petitioner is entitled to a copy of the order of rejection of his nomination, first respondent shall furnish a copy of the rejection order to the petitioner at once.

(C.Y.Somayajulu, J.)

Date: 19-10-2005

Cvrk